

### REMARKS

Claims 1-124 are pending. In the Office Action dated January 9, 2006, the Examiner took the following action: (1) objected to the drawings; and (2) rejected claims 1-124 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0024959 to Taylor in view of U.S. Patent No. 5,546,591 to Wurzburg et al. and further in view of U.S. Patent Application Publication 2004/0199730 to Eggers et al.

Under 35 U.S.C. §103(c), “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” The Taylor patent application qualifies as prior art only under one or more of subsections (e), (f), and (g) of Section 102. Both the Taylor patent application and the present application are assigned to the same assignee, namely Micron Technology, Inc. The undersigned states as follows regarding the common ownership of the Taylor patent application and the invention covered by the present patent application:

#### Statement Regarding Common Ownership

The Taylor patent application and the invention covered by the present patent application were, at the time the invention covered by the present application was made, subject to an obligation of assignment to Micron Technology, Inc., which is the assignee of the present application and the Taylor patent application.

Accordingly, the Taylor patent application may not be applied as prior art under Section 103 against the claims of the present application. *See also* MPEP § 706.02(1)(1)-(2).

All of the claims remaining in the application should now be allowed. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP



Edward W. Bulchis

Registration No. 26,847

Telephone No. (206) 903-8785

EWB:dms

Enclosures:

Postcard

Fee Transmittal Sheet (+copy)

Supp. IDS

Form PTO-1449: (4) Cited References

DORSEY & WHITNEY LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101-4010  
(206) 903-8800 (telephone)  
(206) 903-8820 (fax)

h:\ip\clients\micron technology\1100\501176.01\501176.01 amend oa 010906.doc